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10/662,059	09/12/2003	Stephen Paul Lewontin	P3692US00	8337
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EXAMINER GOODCHILD, WILLIAM J				
ART UNIT 2445		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

Office Action Summary

Application No.

10/662,059

Applicant(s)

LEWONTIN, STEPHEN PAUL

Examiner

WILLIAM J. GOODCHILD

Art Unit

2445

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 17 and 19-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17 and 19-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-3, 5-9, 11-13, 17, 19-29, 33 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itani, (US Publication No. 2002/0065822), and further in view of Nadler et al., (US Publication No. 2003/0070006), (hereinafter Nadler).

Regarding claims 1, 13, 17, 21, 23 and 27, Itani discloses determining a markup-language Web service message [Itani, paragraph 20] at a first network entity [Itani, paragraph 23], wherein the Web service message [Itani, paragraph 20] includes a variant portion that changes for repeated invocations [Itani, paragraphs 26 and 99 and figures 3A, 3B and 3C] and an invariant portion that does not change [Itani, paragraphs 26 and 98]; forming a reduced message [Itani, paragraph 24, lines 7-13] at the first network entity [Itani, paragraph 23] based on at least an unreduced representation of the variant portion of the Web service message [Itani, paragraphs 24, 26 and 98, structured document and data] and a reduced representation of the invariant portion of the Web service message [Itani, paragraph 26].

Itani does not specifically disclose to invoke a remote procedure call at a second network entity and for the second network entity via a network to process the remote procedure call at the second network entity.

However, Nadler discloses the packet sent to a remote service on the Internet using a remote procedure call and the second network entity processing the remote procedure call and providing a response back to the first network entity [Nadler, paragraph 199, lines 10-18].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include using a remote procedure call to send a message in order to provide for communication back and forth from two network entities.

Regarding claims 2, 22, 26, 29 and 37, Itani-Nadler further discloses the Web service message comprises a simple object access protocol message [Nadler, paragraph 199].

Regarding claim 3, Itani-Nadler further discloses forming the reduced message comprises forming reference data based on the invariant portion of the Web service message and including the reference data [Itani, paragraph 116].

Regarding claims 5 and 38, Itani-Nadler further discloses the reference data comprises a reference to a data store containing criteria for creating a reproduction of the invariant portion [Itani, paragraphs 84-85].

Regarding claim 6, Itani-Nadler further discloses the reference to the data store comprises a Universal Resource Identifier (URI) [Itani, paragraph 244 and figure 18].

Regarding claim 7, Itani-Nadler further discloses forming a reproduction of the Web service message based on the reduced message [Itani, paragraph 122]; and processing the reproduction of the Web service message at the second network entity [Nadler, paragraph 199].

Regarding claim 8, Itani-Nadler further discloses forming the reduced message comprises forming reference data based on an invariant portion of the Web service message [Itani, paragraphs 105 and 116] and including the reference data in the reduced message [Itani, paragraph 244].

Regarding claim 9, Itani-Nadler further discloses forming the reproduction of the Web service message comprises forming the reproduction of the Web service message from a reproduction of the invariant portion of the Web service message [Itani, paragraphs 122-123].

Regarding claims 11 and 28, Itani-Nadler further discloses the reference data comprises a reference to a data store containing criteria for creating a reproduction of the invariant portion [Itani, paragraph 244].

Regarding claim 12, Itani-Nadler further discloses the reference to the data store comprises a Universal Resource Identifier (URI) [Itani, paragraph 244 and figure 18].

Regarding claim 19, Itani-Nadler further discloses wherein the second data processor is further configured to form a reproduction of the Web service message [Itani, paragraphs 23-24 and 26], the messaging system further comprising a third data processor configured to receive the reproduction of the Web service message and process the remote procedure call based on the reproduction of the Web service message [Nadler, paragraph 199].

Regarding claim 20, Itani-Nadler further discloses a data storage device having a criteria accessible by the message processor [Itani, paragraphs 116 and 84-85], the criteria used by the message processor to form the reduced message based at least on the variant portion of the Web service message [Itani, paragraphs 26 and 98].

Regarding claim 24, Itani-Nadler further discloses wherein the response message comprises a reduced response message based on at least a variant portion of a Web service response message [Itani, paragraphs 26 and 99] generated by the remote data

processing arrangement [Nadler, paragraph 199], wherein the variant portion of the Web service response message changes for the repeated invocations of the remote procedure call [Nadler, paragraph 199].

Regarding claim 25, Itani-Nadler further discloses forming a reproduction of the Web service response message based on the reduced response message [Itani, paragraph 122]; and
processing the reproduction of the Web service response message [Itani, paragraph 122].

Regarding claim 33, Itani-Nadler further discloses wherein the apparatus comprises a server [Itani, paragraph 4].

Regarding claim 35, Itani-Nadler further discloses wherein the processor is further configured via the instructions to cause the apparatus to form a reproduced Web service message [Itani, paragraph 122] based on an incoming reduced message [Itani, paragraph 24] from the network [Nadler, paragraph 199], wherein the incoming reduced message is formed based on at least an unreduced representation of a variant portion of an external markup language Web service message and a reduced representation of an invariant portion of the external Web service message [Itani, paragraph 244], wherein the variant portion of the external Web service message changes for the repeated invocations [Itani, paragraphs 26 and 98-99] of the remote procedure call

[Nadler, paragraph 199], and wherein the invariant portion of the external Web service message does not change [Itani, paragraphs 26 and 98] for the repeated invocations of the remote procedure call [Nadler, paragraph 199].

Regarding claim 36, Itani-Nadler further discloses wherein the reduced representation of the invariant portion of the Web service message comprises reference data based on the invariant portion of the Web service message [Itani, paragraph 26 and 98].

2. Claims 4, 10, 30-32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itani-Nadler as applied to claims 1 above, and further in view of Maes et al., (US Publication No. 2003/0088421), (hereinafter Maes).

Regarding claim 4, Itani-Nadler further discloses the invariant portion [Itani, paragraphs 26 and 98].

Itani-Nadler does not specifically disclose the reference data comprises a binary representation of the invariant portion.

However, Maes discloses binary data [Maes, paragraph 177, data can be sent encoded in binary format].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include using binary data in order to provide efficient data transfer.

Regarding claim 10, Itani-Nadler-Maes further discloses the reference data comprises a binary representation [Maes, paragraph 177, data can be sent encoded in binary format] of the invariant portion [Itani, paragraphs 26 and 98].

Regarding claim 30, claim 30 is substantially the same as claim 1 and is therefore rejected for the same reasons, with the additional limitation of a mobile terminal. Maes further discloses a mobile terminal [Maes, paragraph 234].

Regarding claim 31, Itani-Nadler-Maes further discloses wherein the Web service messages include simple object access protocol messages [Nadler, paragraph 199].

Regarding claim 32, Itani-Nadler-Maes further discloses wherein the apparatus comprises a mobile terminal [Maes, paragraphs, 3 and 234].

Regarding claim 34, Itani-Nadler-Maes further discloses wherein the apparatus comprises a mobile terminal [Maes, paragraph 3, line 3, wired or wireless environments].

Response to Arguments

3. Applicant's arguments filed 03/18/2010 have been fully considered but they are not persuasive.

A - Applicant argues "With respect to the rejection of independent claims 1, 13, 17, 21, 23 and 27, Applicant respectfully submits that Itani and Nadler et al., either taken alone or in combination, fail to disclose or render obvious the combinations of features recited in claims 1, 13, 17, 21, 23 and 27. In particular, Itani and Nadler et al. fail to disclose or render obvious "sending the reduced message targeted for the second network entity via a network, and causing, at least in part, the invocation of the remote procedure call at the second network entity based on the reduced message," as recited in independent claim 1, and as similarly recited in independent claims 13, 17, 21, 23 and 27. As will be set forth in more detail below, the Office Action's conclusion regarding obviousness is supported by no facts, rendering it legally deficient. The Office Action, on page 3, acknowledges that Itani does not disclose invoking a remote procedure call at a second network entity for the second network entity via a network to process the remote procedure call at the second network entity, but cites paragraph [0199], lines 10-18, of Nadler et al., in asserting that Nadler et al. remedies the deficiencies of Itani and that "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to include using a remote procedure call to send a message in order to provide for communication back and forth from two network entities." In pertinent part, lines 1-5 and 11-14 of paragraph [0199] of Nadler et al. (emphasis

added), discloses that: On the client side, specific parameters and information about the method call in the InvokeContext data structure are first converted into a particular wire format (a stream of bytes or packet), and then this packet is sent to the remote server using a particular transport. Use of these two interfaces enables the remote service to understand the packet as a remote procedure call, using the SOAP standard, for invocation of a particular method. Nadler et al., at best, describes a system that includes a methodology for a client to cast a generic interface class to a remote service having a defined interface, and that specific parameters and information about a method call are converted into stream of bytes or packet (see Nadler et al., Abstract, and paragraphs [0196] - [0199]. Nadler et al. fails to disclose that the packet of Nadler et al. is a reduced message based on at least an unreduced representation of a variant portion of a web service message and a reduced representation of an invariant portion of the web service message, nor does Nadler et al. disclose that the packet is targeted for a second network entity via a network, and causing, at least in part, the invocation of the remote procedure call at the second network entity based on the reduced message. Accordingly, combining Itani and Nadler et al. as proposed by the Office Action would not result in the claimed features of independent claims 1, 13, 17, 21, 23 and 27. In addition, the applied references provide no reason why one having ordinary skill in the art would modify the system of Itani as proposed by the Office Action, but rather the stated reason on page 3 of the Office Action appears to be an opinion, which is unsupported by any facts. Itani merely describes a system that is capable of compressing structured documents without impairing the visual recognizability of the

data structure or flexibility/expandability of structured documents (see Itani, Abstract, and paragraphs [0020] and [0023] - [0026]). Nadler et al. does nothing to suggest the introduction of the claimed remote procedure call into such a system as that of Itani. The rationale presented in the Office Action appears to be nothing more than an agglomeration of bits and pieces of the claimed subject matter thrown together through the exercise of impermissible hindsight, without any of the "articulated reasoning with some rational underpinnings" required by the U.S. Supreme Court, *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385(2007). Thus, the Office Action's conclusion of obviousness relies on impermissible hindsight".

A – The Examiner disagrees:

4. In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case,
5. Itani discloses all the features of the independent claims (excluding claim 30) except for sending a message using a remote procedure call. A remote procedure call is well known within the art. Nadler discloses sending a message using a remote

procedure call, as such, combining the two arts (Itani-Nadler) would be obvious as creating and modifying a message to send is a well known concept, and choosing a well known concept to send the message would be obvious.

B – Applicant argues “With respect to the rejection of independent claim 30, the Office Action, on page 8, indicates that claim 30 is rejected for the same reasons as independent claim 1, and further in view of a mobile terminal that is allegedly disclosed by Maes et al. Applicant respectfully disagrees and submits that Itani, Nadler et al., and Maes et al., either taken alone or in combination, fail to disclose or render obvious the combinations of features recited in independent claim 30”.

B – The Examiner disagrees: A mobile terminal is a well known concept, Maes discloses a mobile terminal, so combining Maes with Itani-Nadler would be obvious as the combination of Itani-Nadler disclose sending a message (as described above in Argument A), Itani-Nadler did not specifically disclose that the means to create a message or send the message could be on a mobile terminal such as a laptop, but, as a laptop is a computer (as is a PDA or Smartphone, etc), it would be obvious to use a mobile device rather than a desktop computer by one with ordinary skill in the art at the time the invention was made.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/662,059
Art Unit: 2445

Page 15

WJG
06/07/2010

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2445